

Youth Reserve Recruit Killed in Automobile Collision While Traveling on Duty

SUMMARY: A 17-year-old male Marine Reserve recruit (the victim) was a passenger in an automobile that went out of control on a snow-covered, icy highway and collided with another vehicle. The victim was seated in the front passenger seat of the vehicle that was being driven by another youth recruit, traveling on duty to a reserve training meeting. The driver, victim and two backseat passengers were all using lap and shoulder restraints. The driver pulled his vehicle out of the northbound lane to pass a large truck, started to slide on the icy road, and was struck broadside on the passenger-side by an oncoming car in the southbound lane. A driver in another vehicle summoned emergency services with his cell phone. EMS arrived at the scene within four minutes, and extricated the victim from the vehicle. He was pronounced dead at the scene. The other recruits and the driver of the oncoming vehicle survived the collision, and were taken to the hospital. The FACE investigator concluded that, to prevent similar occurrences, employers should:

- **establish a policy that provides for postponement of nonessential travel during hazardous conditions. Additionally, employers should establish a method for notifying workers of schedule changes due to hazardous travel conditions.**
- **contact the U.S. Department of Labor, Employment Standards Administration Wage and Hour Division and the state agency responsible for child labor for guidance in complying with child labor laws which prohibit certain types of work by workers less than 18-years-old.**
- **ensure all travelers are trained in the proper use of vehicle safety features and drivers are trained in safe driving practices.**

Additionally,

- **The US Department of Labor (DOL) should consider amending child labor regulations to incorporate the provisions of the Drive for Teen Employment Act into the Hazardous Orders 2 Regulation, and provide guidance on "incidental and occasional driving."**

INTRODUCTION:

On February 10, 2001, a 17-year-old male Marine recruit died when the car he was riding in was involved in a collision with another vehicle on an icy, two-lane highway. The Wisconsin FACE field investigator was notified of the incident by the county coroner on February 15, 2001. On August 21, 2001, the field investigator interviewed the victim's parents. The FACE investigator visited the highway location of the incident, and also reviewed the death certificate, the coroner, sheriff, and state climatologist's reports, and discussed the event with state and federal child labor officials.

The victim was a student in his last year of high school, and was active in many school and community activities. He had been training with the U.S. Marine Corps for about four months before the incident, with induction planned for July of 2001. The required training involved traveling one weekend a month to a center about 90 miles from his hometown. He usually traveled in an automobile with other youth recruits from his hometown, with the driving responsibilities divided by agreement among the recruits. It is unknown how many other recruits or reservists were training at this site. Recruits and reservists received safety training on a monthly basis prior to each assignment. They reviewed a safety checklist for the activities they would be involved in, and discussed hazards, precautions and safety requirements. It is unknown if driving safety was included in the safety training for the youth recruits.

INVESTIGATION:

At approximately 7:30 a.m. on January 10, 2001, the 17-year-old recruit (the driver) who had offered to drive for this one-day training drove his family's auto to the victim's home. Two other recruits were passengers in the back seat, while the victim sat in the right front passenger seat. The group then started the drive to the training center. All of the recruits wore lap and shoulder restraints. The front seating area was equipped with two air bags.

The incident occurred on a state highway that cut about 40 miles off an alternative route that would have been on Interstate highway for most of the trip to the reserve training center. After leaving the recruits' hometown, the driver traveled on a four-lane, divided state highway for about 12 miles, then the road reduced to two-lanes with two-way traffic. He traveled in the northbound lane of this two-lane highway for another 12 miles, through hilly terrain with farms and homes along the route. In the vicinity of the incident, the asphalt-paved road was straight and had approximately six feet of gravel-covered shoulder on both sides. The road at this point had a posted speed limit of 55 mph, and a passing zone for both lanes of traffic. About 2 inches of snow had fallen through the night and on the morning of the incident, leaving the road snow-packed and icy. Outside air temperatures ranged from -5°F to 13°F on that day.

Near the location of the incident, the driver apparently attempted to pass a large truck that was in front of him in the northbound lane. He steered the auto into the southbound lane, and saw oncoming traffic so he attempted to ease back into the northbound lane behind the truck. The auto began to slide on the icy roadway, and was positioned almost crossways in the southbound lane when it was struck on the passenger side by a vehicle traveling in the southbound lane. The vehicles slid along the icy road and came to a stop on the roadway. A driver of a vehicle that had been following the auto with the recruits used his cell phone to call for emergency services. Emergency responders arrived at the scene within four minutes. The victim was removed from the vehicle and pronounced dead at the scene. The other occupants of both vehicles were transported to the hospital. It is estimated that both vehicles were traveling at around 55 mph just prior to the collision.

CAUSE OF DEATH: The official cause of death was listed as fracture of cervical vertebra.

RECOMMENDATIONS/DISCUSSION

Recommendation #1: Employers should establish a policy that provides for scheduling travel to avoid hazardous conditions. Additionally, employers should establish a method for notifying workers of schedule changes due to hazardous travel conditions.

Discussion: Weather patterns and other environmental factors can create unsafe travel conditions that put workers at increased risk for vehicle crashes. Employers should establish policies and procedures to determine the necessity of having workers travel at times when snow, ice, rain, wind, temperature extremes or other conditions are likely to create hazards. When these conditions exist, or are forecast, the employer should reschedule nonessential work activities to a time when travel conditions are safer. The policy should include methods of notifying workers of schedule changes.

Recommendation #2: Employers should contact the U.S. Department of Labor, Employment Standards Administration Wage and Hour Division and the State agency responsible for child labor for guidance in complying with child labor laws which prohibit certain types of work by workers less than 18-years-old.

Discussion: Before employers hire workers less than 18-years-old, they should consult the U.S. Department of Labor (DOL), Employment Standards Administration, Wage and Hour Division for information on the type of work youths are allowed or not allowed to perform under the Fair Labor Standards Act (FLSA). The provisions of the FLSA include a list of Hazardous Orders (HO) which identifies dangerous tasks that employers may not assign to youths.

Employers may not permit workers less than 18-years-old to drive motor vehicles under certain conditions. HO2 (29 CFR 570.52) states that the occupations of motor vehicle driver and outside helper on any public road are particularly hazardous for the employment of minors between 16 and 18 years of age, and prohibits employment of minors in these occupations, with exemptions.

An exemption allows minors to operate automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if:

- such driving is restricted to daylight hours;
- operation is only occasional and incidental to the minor's employment;
- the minor holds a State license valid for the type of driving involved in the job performed and has completed a State approved driver education course;
- the vehicle is equipped with a seat belt or similar restraining device for the driver and for each helper, and the employer has instructed each minor that such belts or other devices must be used.

Public Law 105-334 (titled Drive for Teen Employment Act, effective on October 31, 1998), adds additional limitations, including a prohibition against driving beyond a 30-mile radius from the employee's place of employment. In this case, the youth recruits attended training at a location at least 90 miles from their home.

Information on the FLSA can be obtained by visiting the DOL ESA web site at <http://www.dol.gov/esa/>. These employment standards are listed and explained in WH-13306 and summarized in DOL Fact Sheet No. 43. Federal and State child labor departments can be located by using the telephone directory government pages.

Recommendation #3: Employers should ensure all traveling workers are trained in the proper use of vehicle safety features and drivers are trained in safe driving practices.

Discussion: Motor vehicle crashes are the leading cause of work-related deaths. Driver safety courses should be required for all employees who are required to travel as part of their work duties. The training plan should include information for passengers in the use of occupant restraints, including lap and shoulder belts and airbags. Specialized training should be included for driving in hazardous conditions, including snow and ice-covered roads. In this case, the occupants of the vehicle in which the victim was riding were using lap and shoulder restraints. The vehicle was equipped with front airbags where the driver and victim were seated, but the bags did not deploy in the side-impact crash.

Recommendation #4: The US Department of Labor (DOL) should consider amending child labor regulations to incorporate the provisions of the Drive for Teen Employment Act into the Hazardous Orders 2 Regulation, and provide guidance on "incidental and occasional driving."

Discussion: Motor vehicle statistics show that teenagers have extremely high rates of motor vehicle crashes, deaths and injuries. Occupational fatality data demonstrate that motor vehicle driving is associated with high numbers of occupational deaths among workers of all ages, and adolescents specifically. The revisions to HO2 are proposed for the following reasons:

- The Drive for Teen Employment Act provides broad protection for 16-year-olds, the group with the highest crash risk. Extending limited driving privileges increases employment opportunities for 17-year-olds, yet places restrictions to allow gradual development of driving skills among young drivers.
- Formal inclusion of clearer definitions for terms such as "incidental and occasional driving" and "urgent, time-sensitive deliveries" will help employers comply with the Act as they assign driving tasks to young workers.
- Employer policies requiring seat belt use are necessary to reinforce seat belt laws which vary by state in coverage and enforcement.

REFERENCES

1. NIOSH Alert: Preventing Worker Injuries and Deaths from Traffic-Related Motor Vehicle Crashes. CDC-NIOSH, Publication [98-142](#), July, 1998.

2. DOL [March, 2001]. Child labor requirements in nonagricultural occupations under the Fair Labor Standards Act. Washington, D.C.: U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, WH-1330.
3. NIOSH [2002]. National Institute for Occupational Safety and Health (NIOSH) Recommendations to the U.S. Department of Labor for Changes to the Hazardous Orders B Morgantown, WV: Division of Safety Research.